

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 20, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Joan M. DuBois, Dranesville District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Koch announced his intent to defer the public hearing on PCA-78-S-063-3, Westfields Corporate Center Associates, Limited Partnership, from July 10, 2002 to a date to be determined.

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**PCA-1998-PR-058 - TYCON TOWER I INVESTMENT LIMITED PARTNERSHIP AND
TYCON TOWER III INVESTMENT CORPORATION**
**SEA-83-P-045-4 - TYCON TOWER I INVESTMENT LIMITED PARTNERSHIP AND
TYCON TOWER III INVESTMENT CORPORATION** (Decisions Only)

(The public hearing on this application was held on May 16, 2002. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA-1998-PR-058, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 20, 2002.

Commissioners Alcorn and Koch seconded the motion which carried by a vote of 5-0-4 with Commissioners Byers, Hall, Harsel, Kelso abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-83-P-045-4, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 14, 2002.

Commissioners Koch and Alcorn seconded the motion which carried by a vote of 5-0-4 with Commissioners Byers, Hall, Harsel, Kelso abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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RZ-2001-PR-050/FDP-2001-PR-050 - STANLEY-MARTIN (Decision Only)

(The public hearing on this application was held on May 30, 2002. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-2001-PR-050 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 20, 2002.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-PR-050, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JUNE 20, 2002, AND THE BOARD'S APPROVAL OF RZ-2001-PR-050 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTHERN PROPERTY LINE BE MODIFIED TO THE TEN-FOOT WIDE STRIP OF LANDSCAPING AND THE BARRIER DEPICTED ON THE CDP/FDP.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE LIMITATION ON FENCE HEIGHT BE WAIVED PURSUANT TO PARAGRAPH 8 OF SECTION 16-401 TO PERMIT THE PROPOSED WALL ALONG LEE HIGHWAY TO BE UP TO EIGHT FEET IN HEIGHT.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF CONSTRUCTION OF THAT PORTION OF THE SERVICE DRIVE WHICH WILL CONNECT TO THE PAN AM SHOPPING CENTER AS SHOWN ON THE CDP/FDP.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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RZ-2002-BR-003 - ANDREW J. KIM (Decision Only)

(The public hearing on this application was held on June 13, 2002. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Harsel MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-BR-003, SUBJECT TO THE EXECUTION OF PROFFERS DATED JUNE 15, 2002.

Commissioners Kelso and Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Harsel FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE MINIMUM DISTRICT SIZE FOR THE R-5 DISTRICT.

Commissioners Kelso and Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. CHAPTER 101 (SUBDIVISION ORDINANCE)
2. S01-CW-3CP - OUT-OF-TURN PLAN AMENDMENT
3. S01-CW-5CP - OUT-OF-TURN PLAN AMENDMENT
4. S01-CW-6CP - OUT-OF-TURN PLAN AMENDMENT

5. PCA-87-S-039-5/FDPA 87-S-039-9 - FAIRFAX CORNER MIXED USE L.C.
6. RZ-2002-SP-001 - PENDER VETERINARY CLINIC, A VA PARTNERSHIP
7. SE-02-S-001 - PENDER VETERINARY CLINIC, A VA PARTNERSHIP

This order was accepted without objection.

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CHAPTER 101 (SUBDIVISION ORDINANCE) - To amend the Code of the Co. of Fairfax to address issues related to the length of time preliminary subdivision plats & subdivision construction plans are valid, as well as submission requirements for the preliminary subdivision plat, the construction plan, & the final subdivision plat. The proposed amendments to the Ord. will provide for a 5-year life-span for approved preliminary plats provided the subdivider submits a complete final subdivision plat for all or a portion of the property within one year of the original date of approval of the preliminary plat & thereafter diligently pursues approval of the final subdivision plat. The subdivider may have the preliminary plat redated prior to expiration by demonstrating compliance with all existing ordinances and PFM provisions. If the subdivider submits a final subdivision plat within 1 yr. of approval of the preliminary plat but does not thereafter diligently pursue approval of the final subdivision plat, the Director may revoke approval of the preliminary plat no sooner than 3 yrs. after approval of the preliminary plat upon 90 days written notice by certified mail to the subdivider. The proposed amendments require that a complete subdivision construction plan must be submitted after approval of the preliminary subdivision plat & prior to or in conjunction with the submission of the final subdivision plat, as well as tie the life-span of the construction plan to that of the preliminary plat. Also, approved preliminary plats will become null & void if the final subdivision plat is not approved & recorded within 5 years of the approval of the preliminary plat. If the submission of a preliminary subdivision plat is not otherwise required by the Subdivision Ord., then an approved construction plan is valid for a period of 5 years after its approval. The proposed amendments would become effective on July 2, 2002, at 12:01 a.m. PUBLIC HEARING.

Mr. John Friedman, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the amendments.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and

recognized Commissioner Alcorn for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 101, SUBDIVISION ORDINANCE OF THE CODE OF THE COUNTY OF FAIRFAX, AS SET FORTH IN THE STAFF REPORT DATED JUNE 3, 2002.

Commissioners Kelso and de la Fe seconded the motion which carried unanimously with Commissioners Harsel and Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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S01-CW-3CP - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County concerning information, objectives, policies and recommendations addressing water supply. Changes to the Comprehensive Plan map may also be considered. PUBLIC HEARING.

Commissioner Moon asked that Vice Chairman Byers ascertain whether or not there were any speakers present for this application. Vice Chairman Byers called for speakers, but received no response. Therefore, Commissioner Moon requested that the staff presentation be waived and the public hearing closed. Accordingly, Vice Chairman Byers closed the public hearing and recognized Commissioner Moon for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT S01-CW-3CP, AS SHOWN ON PAGES 3-12 IN THE STAFF REPORT DATED JUNE 6, 2002.

Commissioners Alcorn and Hall seconded the motion which carried unanimously with Commissioners Harsel and Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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S01-CW-5CP - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fx. Co.

concerning information, objectives, policies and recommendations addressing sanitary sewer. Changes to the Comprehensive Plan map may also be considered. PUBLIC HEARING.

Commissioner Alcorn asked that Vice Chairman Byers ascertain whether or not there were any speakers present for this application. Vice Chairman Byers called for speakers, but received no response. Therefore, Commissioner Alcorn requested that the staff presentation be waived and the public hearing closed. Accordingly, Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT S01-CW-5CP AS SHOWN IN THE STAFF REPORT DATED JUNE 6, 2002.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Harsel and Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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S01-CW-6CP - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County concerning information, objectives, policies and recommendations addressing equipment management. Changes to the Comprehensive Plan map may also be considered. PUBLIC HEARING.

Commissioner Alcorn asked that Vice Chairman Byers ascertain whether or not there were any speakers present for this application. Vice Chairman Byers called for speakers, but received no response. Therefore, Commissioner Alcorn requested that the staff presentation be waived and the public hearing closed. Accordingly, Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT S01-CW-6CP, AS SHOWN ON PAGES 2-5 IN THE STAFF REPORT DATED JUNE 6, 2002.

Commissioners Hall and Kelso seconded the motion which carried unanimously with Commissioners Harsel and Murphy not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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PCA-87-S-039-5/FDPA 87-S-039-9 - FAIRFAX CORNER MIXED USE L.C. - Appls. to amend the proffers & final development plan for RZ-87-S-039 to permit modifications to a mixed use development w/an overall FAR of 0.35 on property located on the N. side of Monument Dr., at its intersection w/Govt. Center Pkwy., S. of Random Hills Rd. on approx. 36.28 ac. zoned PDC. Comp. Plan Rec: Fairfax Center Area - Office, mixed use up to .50 FAR at Overlay Level. Tax Map 56-1((1)) 47B, 47B1 & 47B2 (formerly known as 56-1((1))pt. 47A). SPRINGFIELD DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated June 10, 2002. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Commissioner Murphy noted that Development Condition Number 4 had been deleted because a car wash would not be located on the property.

Mr. McDermott stated that the application was a request to convert previously approved non-residential to residential development. He showed drawings of the proposed elevations showing the architectural treatment of the town center design, which he said would encourage use during non-working hours. He requested a favorable recommendation.

Commissioner de la Fe commented that the lighting of the parking lot of the existing buildings in the Fairfax Corner development was extremely bright.

In response to a question from Commissioner Hall, Mr. McDermott said that proffers did not address a contribution to schools.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted no rebuttal was necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA-87-S-039-5, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-87-S-039-9, SUBJECT TO THE FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS CONTAINED IN THE DEVELOPMENT CONDITIONS DATED JUNE 14, 2002 PRESENTED TO THE COMMISSION TONIGHT, AND SUBJECT TO THE BOARD'S APPROVAL OF THE PCA.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE PDC DISTRICT STANDARDS FOR PERCENTAGE OF RESIDENTIAL DEVELOPMENT TO PERMIT A MAXIMUM OF 1,047,062 SQUARE FEET OF RESIDENTIAL USES, 60 PERCENT, PRIOR TO APPLICATION OF THE ADU ORDINANCE, FOR THE ENTIRE FAIRFAX CORNER DEVELOPMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT BETWEEN THE NON-RESIDENTIAL AND RESIDENTIAL USES WITHIN THE FAIRFAX CORNER DEVELOPMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE BARRIER REQUIREMENT BETWEEN THE NON-RESIDENTIAL AND THE RESIDENTIAL USES WITHIN THE FAIRFAX CORNER DEVELOPMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE

LOADING SPACE REQUIREMENT FOR THE MULTI-FAMILY DWELLING UNITS IN BUILDINGS Q AND R TO PERMIT ONE SPACE.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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RZ-2002-SP-001 - PENDER VETERINARY CLINIC, A PARTNERSHIP - Appl. to rezone from C-6, C-7 & HC to C-7 & HC to permit commercial development w/an overall FAR of 0.7 on property located at the N. terminus of Legato Rd. in the S.E. quadrant of the intersection of West Ox Rd. & Lee Jackson Mem. Hwy. on approx. 2.13 ac. Comp. Plan Rec: Fairfax Center Area: Mixed use office. Tax Map 46-3((1))52A, 52B; 46-3((8))17. (Concurrent w/SE-02-S-001.) SPRINGFIELD DISTRICT.

SE-02-S-001 - PENDER VETERINARY CLINIC, A VIRGINIA PARTNERSHIP - Appl. under Sect. 9-501 of the Zoning Ord. to permit an increase in maximum permitted office FAR & automobile oriented uses on property located at 4001 Legato Rd. on approx. 2.13 ac. zoned C-7 & HC. Tax Map 46-3((1))52A, 52B; 46-3((8))17. (Concurrent w/RZ-2002-SP-001.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Charles Shumate, Esquire, attorney for the applicant, reaffirmed the affidavit dated May 22, 2002. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Mr. Shumate stated that the Pender Veterinary Clinic, which had been located in the subject area for 31 years, had developed a community practice which had grown tremendously. He said a two-stage development program was being proposed to meet current and future needs. He noted that the applicant had worked closely with staff and that there were no outstanding issues. He said that the applications were in conformance with the Comprehensive Plan and applicable Zoning Ordinances, and satisfied the overlay criteria for the Fairfax Center Checklist. He explained that the Fairfax Center Land Use Committee had expressed no opposition to the application, and requested a recommendation of approval.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no comments or questions and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-2002-SP-001, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE FOUND IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-02-S-001, SUBJECT TO THE DEVELOPMENT CONDITIONS FOUND IN APPENDIX 2 OF THE STAFF REPORT.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners DuBois and Wilson absent from the meeting.

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Vice Chairman Byers relinquished the Chair to Chairman Murphy.

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The meeting was adjourned at 9:11 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: May 6, 2004

Linda B. Rodeffer, Deputy Clerk to the
Fairfax County Planning Commission